

CITY COUNCIL, CITY OF LODI
CITY HALL COUNCIL CHAMBERS
WEDNESDAY, APRIL 2, 1969

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m. on Wednesday, April 2, 1969, in the City Hall Council Chambers.

ROLL CALL

Present: Councilmen - BROWN, CULBERTSON, KIRSTEN,
SCHAFFER and HUNNELL (Mayor)

Also present: Assistant City Manager Peterson, City Attorney
Mullen and Planning Director Schroeder.

PLEDGE Mayor Hunnell led the Pledge of Allegiance to the flag.

MINUTES On motion of Councilman Culbertson, Schaffer second, the Minutes of March 12 and March 19, 1969 were approved as written and mailed.

PRESENTATION OF CERTIFICATES

TRAINING
CERTIFICATES

Mayor Hunnell commended three City employees for having successfully completed training courses and presented them with certificates as follows: Peter Horst and Dan Pechin, Certificate of Completion in the Water Utility System Operator's Course; Marvin Miller, Water Pollution Control Plant Operator, Grade IV Certificate.

PUBLIC HEARINGS

REZONE 301 & 305
EDEN STREET

ORD. NO. 895
INTRODUCED

Notice thereof having been published in accordance with law, Mayor Hunnell called for the public hearing on the proposal to rezone parcels located at 301 and 305 Eden Street from the C-1, Neighborhood Commercial District to the R-MD, Medium Density Multiple-Family Residential District. Planning Director Schroeder introduced the matter showing a sketch of the area. There being no one in the audience who wished to be heard on the matter, the public portion of the hearing was closed. Councilman Kirsten moved introduction of Ordinance No. 895 rezoning parcels located at 301 and 305 Eden Street to be in the R-MD, Medium Density Multiple-Family Residential District. The motion was seconded by Councilman Culbertson and carried by unanimous vote.

REZONE
301 E. PINE

ORD. NO. 896
INTRODUCED

Notice thereof having been published in accordance with law, Mayor Hunnell called for the public hearing on the proposal to rezone a parcel located at 301 East Pine Street from the C-1, Neighborhood Commercial District to the C-2, General Commercial District. Planning Director Schroeder introduced the matter, showing a sketch of the area. There being no one in the audience who wished to be heard on the matter, the public portion of the hearing was closed. Councilman Brown then moved introduction of Ordinance No. 896 rezoning 301 East Pine Street to be in the C-2, General Commercial District. The motion was seconded by Councilman Culbertson and carried by the following vote:

Ayes: Councilmen - Brown, Culbertson, Kirsten
and Hunnell

Noes: Councilmen - Schaffer

Absent: Councilmen - None

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REZONE 109, 111,
115 & 117 WEST
LOCKEFORD ST.

ORD. NO. 897
INTRODUCED

Notice thereof having been published in accordance with law, Mayor Hunnell called for the public hearing on the proposal to rezone parcels located at 109, 111, 115 and 117 West Lockeford Street from the R-HD, High Density Multiple-Family Residential District and the C-1, Neighborhood Commercial District to the C-2, General Commercial District. The matter was introduced by Planning Director Schroeder who presented a sketch of the area. There being no one in the audience who wished to be heard on the matter, the public portion of the hearing was closed. Councilman Brown moved introduction of Ordinance No. 897 rezoning parcels at 109, 111, 115 and 117 West Lockeford Street to be in the C-2, General Commercial District. The motion was seconded by Councilman Schaffer and carried by unanimous vote.

REZONE 301 N.
PLEASANT

Notice thereof having been published in accordance with law, Mayor Hunnell called for the public hearing on the proposal to rezone a parcel at 301 North Pleasant Avenue from the C-P, Commercial Professional District to be in the R-MD, Medium Density Multiple-Family Residential District. Planning Director Schroeder introduced the matter, showing a drawing of the area.

Mr. Melvin Helwig, 832 Bel Air Court, spoke, opposing the proposed rezoning. There was no one else in the audience who wished to speak on the matter and the public portion of the hearing was closed.

Councilman Schaffer spoke, stating he felt the parcel should not be zoned R-MD as it is presently being used as a commercial use. Councilman Culbertson then moved the parcel at 301 N. Pleasant Avenue retain its present zoning as C-P, Commercial Professional. The motion was seconded by Councilman Schaffer and carried by unanimous vote.

PLANNING COMMISSION

The Assistant City Manager gave the following report of the Planning Commission meeting of March 24, 1969:

REZONE LONE
OAK SUBD.

The Planning Commission recommended approval of the request of Mr. Robert D. Houston for the rezoning of the Lone Oak Subdivision from the R-1, Single-Family Residential District to the P-D, Planned Development District. On motion of Councilman Culbertson, Schaffer second, the matter was set for public hearing on April 16, 1969.

OF INTEREST

The Planning Commission also took the following actions of interest to the City Council:

1. Denied the request of Mr. George T. Marsh for a variance to erect a 6-foot high fence within the street side yard where the maximum allowable height of a fence is 42 inches at 2145 Tracy Place in an area zoned R-2, Single-Family Residential.
2. Approved the Amended Tentative Map of the Lone Oak Subdivision, a twenty-two acre, 175-lot subdivision located north of the easterly extension of East Vine Street and east of the

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southerly extension of South Cluff Avenue with certain conditions.

3. Denied the request of Mr. Ralph Burlington for a change in zoning for a five-acre parcel located at the southeast corner of West Turner Road and North Ham Lane from the R-1 and R-2, Single-Family Residential Districts to the R-GA, Garden Apartment Residential District.

4. Denied the request of Lodi Property Investment Company by Dr. Frank V. Johnson for a change in zoning for Lots 58 through 76 and 94 through 96 of the Westlake Subdivision, Unit No. 2 from the R-2, Single-Family Residential District to the R-HD, High Density Multiple-Family Residential District.

COMMUNICATIONS

ABC LICENSES

The following notices of application for alcoholic beverage license were read:

1. Person-to-person, premise-to-premise transfer, Lucky Stores, Inc., 530 West Lodi Avenue, off-sale general.

2. Original license, Frederick R. May, Orlie's Place, 114 North School Street, on-sale general.

3. Person-to-person transfer (temporary license) Leona and William Cronin, The Spot Club, 220 N. Cherokee Lane, on-sale general eating place.

MONAGAN SENATE BILL 4

A letter was read from State Assemblyman Robert Monagan concerning Senate Bill 4.

PARKING - 700 S. CENTRAL

A petition was presented to the Council which was signed by residents of the 700 block of South Central Avenue requesting that the on-street parking on this block be converted from diagonal to parallel. The matter was referred to the staff for study and recommendation.

TOWN AFFILIATION ASSN. DUES

Councilman Culbertson reported that membership dues had been increased for the Town Affiliation Association. He stated the City's dues would be increased from \$100 to \$150 for 1969-70 and recommended approval of the additional expenditure. On motion of Councilman Kirsten, Schaffer second, the expenditure of \$150 for the Town Affiliation Association dues for 1969-70 was approved as recommended.

CITIES & COUNTY ASSN. MEETING

Mayor Hunnell read a notice of the Cities and County of San Joaquin Association meeting to be held in Tracy on April 10, 1969.

REPORTS OF THE CITY MANAGER

CLAIMS

Claims in the amount of \$397,567.78 were approved on motion of Councilman Brown, Schaffer second.

ST. PETER'S LUTHERAN CHURCH ELECTRICAL SERVICE

Assistant City Manager Peterson stated that Mr. Clint Hoellworth, representing St. Peter's Lutheran Church, had made a request to the City staff concerning electrical service to the church site. He asked Mr. Hoellworth to present his request to the Council.

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Mr. Hoellworth stated that verbal arrangements for electrical service for the development were made some time ago with a former City employee. It was Mr. Hoellworth's understanding that the site would be served with underground utilities at no expense to the church, but after recently meeting with the City staff he had been informed this arrangement was not acceptable. He requested that the City give St. Peter's Lutheran Church a letter of waiver of the right to serve the church site with electrical power. Mr. Hoellworth felt the charges made by the City for the electrical service did not favorably compare with charges made by private companies for the same service. He also presented a sketch of the development and discussed location of poles for overhead lines to serve the site.

City Attorney Mullen informed Mr. Hoellworth that no City employee, either past or present, could bind the City with a verbal agreement and therefore no agreement had been made with him regarding this service.

Mr. Peterson explained that the City Code [Section 2-41. (b) and (d)] states if the customer desires undergrounding, he is charged for such an installation, that charge being the difference between underground service and the cost of providing service overhead. He also explained that costs are established by the Utility Department based on experience in constructing overhead and underground facilities. The department has found that underground facilities are more expensive and Mr. Peterson cited several cases in which subdividers had elected to install underground facilities and had paid the difference.

Mayor Hunnell asked Superintendent of Utilities Royal Newman to comment on the matter. Mr. Newman agreed with Mr. Peterson's comments and stated that Mr. Hoellworth had not made some information available to the staff which would have facilitated resolving the matter. After further discussion, Mayor Hunnell stated he felt the matter could be resolved at the staff level, and since the Code specifically states the City Manager's decision shall be final in such matters, he recommended the matter be referred to the City Manager and Superintendent of Utilities to resolve with Mr. Hoellworth. The Council agreed.

KETTLEMAN
LANE GRADE
SEPARATION

RES. NO. 3250

On motion of Councilman Culbertson, Kirsten second, the City Council unanimously adopted Resolution No. 3250 recommending that the grade separation at Kettleman Lane and the Southern Pacific Railroad tracks be constructed as an underpass.

AWARD - 60-KV
ALUMINUM WIRE

RES. NO. 3251

Bids were received for the 60-KV aluminum wire as follows:

G. E. Supply Company	\$ 59,193.75
Consolidated Electric Dist.	59,826.90
Graybar Electric	59,982.52
Valley Electric Co.	60,529.21
Westinghouse Supply	64,551.43

The Assistant City Manager recommended that award be made to the low bidder. On motion of Councilman Schaffer,

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Culbertson second, the City Council adopted Resolution No. 3251 awarding the contract for the furnishing of the 60-KV aluminum wire to the low bidder, G. E. Supply Company, for the amount of the bid.

AWARD - KOFU
PARK RECR.
BLDG.

Assistant City Manager Peterson stated that bids had been received for the Kofu Park Recreation Building as follows:

RES. NO. 3252

	Main Bldg.	Alt.	Total
Ed Fratzke	\$ 43,696	\$ 6,939	\$ 50,635
C. L. Jones & Co.	44,100	9,700	53,800
Buettner, Carter, Denton & Assoc.	46,500	11,490	57,990
S. M. C. Construction Co.	47,249	10,163	57,412

Mr. Peterson explained that Architect Arlie Preszler had also prepared for bid an alternate to provide for the construction of a second smaller structure, of similar design, to house a press box and concession stand. However, since there were no budgeted funds for this portion of the project and there was no immediate need for this type of building, the Recreation and Parks Director had recommended the alternate be rejected. The Assistant City Manager recommended the award be made to the low bidder, Ed Fratzke, for the amount of \$43,696 and the alternate be rejected. On motion of Councilman Schaffer, Culbertson second, the Council adopted Resolution No. 3252 awarding the contract for the construction of the recreation building at Kofu Park to Ed Fratzke for a total amount of \$43,696 and rejected the alternate bid.

VACATE POR
EASEMENT -
TICKNOR COURT

The Assistant City Manager reported that the Public Works Department had recommended that the City Council abandon a portion of an easement in Tract No. 798 - Ticknor Court. The easement was dedicated to the City on September 21, 1966, but had never been used. The Public Works Department had determined there was no present or future use for the easement. On motion of Councilman Brown, Kirsten second, the City Council adopted its Order vacating a portion of an easement being the West 2 feet of the South 65 feet of the 10-foot public utility easement shown on Lot 9, Ticknor Court.

PLANS & SPECS -
PIPE - TWIN
OAKS PARK

Assistant City Manager Peterson presented plans and specifications for the piping at Twin Oaks Park. On motion of Councilman Kirsten, Schaffer second, the Council approved the plans and specifications and authorized advertising for bids thereon.

GRIFFIN IND.
DEVELOPMENT

Assistant City Manager Peterson presented a letter from Mr. Robert L. Griffin, owner and developer of the property located at the northeast corner of Lodi Avenue and Cluff Avenue, requesting temporary water service for his industrial development which is outside the City limits. Mr. Griffin also requested that he be allowed to bond the off-site improvements and thereby defer construction until further development occurs in that area. Mr. Peterson explained that the requests

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were in accordance with the agreement made with Mr. Griffin last November, and he recommended they be approved subject to certain conditions. The conditions were:

1. Preparation of improvement plans for the off-site improvements.
2. An agreement with the City and a bond covering these improvements.
3. Dedication of necessary rights of way for Cluff Avenue and Lodi Avenue.

Councilman Schaffer moved, Brown second, that Mr. Griffin be granted outside water service and that he be allowed to bond the off-site improvements as recommended, all subject to the above conditions. The motion was carried by unanimous vote.

POPULATION ESTIMATE

Mr. Peterson reported that the State Department of Finance had informed the City staff they would be unable to prepare a population estimate for the City this year due to a lack of adequate information upon which to base the estimate.

ORDINANCES

REZONE 800-826
N. MILLS AVE.

ORD. NO. 894
ADOPTED

ORDINANCE NO. 894, entitled, "AMENDING THE OFFICIAL DISTRICT MAP OF THE CITY OF LODI AND THEREBY REZONING LOTS 28 - 32, LAKESIDE PARK SUBDIVISION TO BE IN THE R-MD, MEDIUM DENSITY MULTIPLE-FAMILY RESIDENTIAL DISTRICT," having been introduced at the meeting of March 19, 1969, was brought up for passage on motion of Councilman Culbertson, Schaffer second. Second reading was omitted after reading by title, and the ordinance was then passed, adopted and ordered to print by the following vote:

Ayes: Councilmen - Brown, Culbertson, Kirsten,
Schaffer and Hunnell
Noes: Councilmen - None
Absent: Councilmen - None

REORGANIZATION OF CITY COUNCIL

The City Clerk asked for nominations for Mayor. On motion of Councilman Culbertson, Schaffer second, Councilman Kirsten was nominated for Mayor. On motion of Councilman Culbertson, Brown second, nominations were closed and Councilman Kirsten elected Mayor by unanimous vote. Mayor Kirsten then took the chair and called for nominations for Vice-Mayor. On motion of Councilman Brown, Hunnell second, Councilman Schaffer was nominated for Vice-Mayor. On motion of Councilman Culbertson, Brown second, the nominations were closed and Councilman Schaffer was elected Vice-Mayor by unanimous vote.

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The Council thanked Councilman Hunnell for his efforts as Mayor the past year. Congratulations were expressed to both the new Mayor and Vice-Mayor.

EXECUTIVE
SESSION

At 9:40 p.m. the Council adjourned to executive session to discuss personnel matters. The Council reconvened at 10:00 p.m.

ADJOURNMENT

There being no further business, the Council adjourned at approximately 10:00 p.m.



ATTEST: BESSIE L. BENNETT
City Clerk